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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,754	06/22/2001	Thierry Desfontaines	G-79	9833
7590	09/21/2004		EXAMINER NGUYEN, NAM V	
Roland Plottel Rockefeller Center Sm P O Box 293 New York, NY 10185-0293			ART UNIT 2635	PAPER NUMBER

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/857,754

Applicant(s)

DESFONTAINES ET AL.

Examiner

Nam V Nguyen

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to applicant's response to an Amendment B which is filed June 30, 2004.

An amendment to the claims 1-9 has been entered and made of record in the application of Desfontaines et al. for a "contact-less electronic communication device with optional auxiliary power source" filed June 22, 2001.

Claims 1-9 are cancelled. The new set of claims 10-19 are introduced.

Claims 10-19 are pending.

Response to Arguments

In view of applicant's amendment to submit the abstract to the specification, therefore, examiner has withdrawn the objection to the specification.

The corrected or substitute drawing were received on July 14, 2004. These drawing are accepted. Applicant is advised to submit new formal drawings including changes required by the proposed drawing correction filed on July 14, 2004, which has been approved by the examiner.

Applicant's amendment and arguments with respect to claims 10-19, filed June 30, 2004 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 10 is objected to because of the following informalities: “electromagnetic communication device module: comprising,” should be “an electromagnetic communication device comprising: ”.

Claim 13 is objected to because of the following informalities: “comprising.” should be “comprising: ”.

Claim 17 is objected to because of the following informalities: “the battery or the mobile telephone apparatus” should be “the battery of the mobile telephone apparatus”.

Claim 18 is objected to because of the following informalities: “terminals.” and “source.” should be “terminal; ” and “source;”.

Claim 14-18 is objected to because of the following informalities: Claim 13 is a device claim. However, claims 14-18 depends on claim 13 and claims 14-18 refer to use of a device. It is suggested to remove the term “use of”.

An appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 14 and 18, the phrase “a contact-less module carried by a card of the bank type” is confusing and unclear. It is not understood what is meant by such a limitation. Is the contact-less module is a bankcard? What is the bank type means? (See specification page 8 line 1 to 19; figure 2A-2B).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto (GB 2 292 866) in view of Tuttle et al. (US# 5,448,110).

Referring to claim 10, Miyamoto discloses an electronic contact-less, internal-power-sourceless, electromagnetic communication device module (111) (i.e. a non-contact IC card) (page 15 lines 11 to 17; see Figures 1-2) comprising:

An antenna (16) (i.e. an antenna circuit) for receiving electromagnetic signals (20) (i.e. a communication signal) (page 12 lines 1 to 8; see Figure 2),

Means (3 to 9) for processing the electromagnetic signals received (page 12 line 21 to page 13 line 6; page 15 line 18 to 28; see Figure 2), and

Means for rectifying and filtering (18) (i.e. a rectifier circuit) the electromagnetic signals (20) received in order to supply, at two output terminals (i.e. positive node 10a and GND node 12), and supplying a supply voltage to the processing means (3 to 9) (page 13 line 7 to 13; page 15 line 18 to 28; see Figure 2), and further comprising: connection means for connecting the output terminals (10a and 12) of the rectifying and filtering means (18) to an electrical power source (1) (i.e. a primary battery), the connection means comprise a switch (14) (i.e. a power source controller) for making or cutting-off the connection between the power source (1) and the output terminals (10a and 12) of the rectifying and filtering circuit (18) (page 15 line 18 to page 16 line 21; see Figure 2).

However, Miyamoto did not explicitly disclose connection means for connecting to an external electrical power source carried by support means.

In the same field of endeavor of passive enclosed transceiver, Tuttle et al. teach that connection means (at terminals 8 and 9) for connecting to an external electrical power source (2 and 3) (i.e. batteries) carried by support means (1) (i.e. an enclosed transceiver) (column 6 lines 11 to 22; column 6 lines 59 to 66; column 10 line 62 to column 11 line 15; see Figures 1 and 9) in order to have an alternative passive or active enclosed transceiver.

One of ordinary skilled in the art recognizes having external batteries connect to terminals to an integrated circuit module of Tuttle et al. in an internal battery with a power

Art Unit: 2635

supply controller of Miyamoto because Miyamoto suggests it is desired to provide that a non-contact IC card operates with either battery or power from received electromagnetic wave using the power supply controller or a diode to switch connection and a batteryless non-contact IC card (page 15 line 10 to page 17 line 26; see Figures 1-2 and 9) and Tuttle et al. teach that the external battery is connect to input power terminals and altogether be eliminated (column 6 lines 12 to 66; column 10 line 62 to column 11 15; see Figures 1 and 9) in order to have a passive or active transceiver. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have external batteries connect to terminals to an integrated circuit module of Tuttle et al. in an internal battery with a power supply controller of Miyamoto with the motivation for doing so would have been to provide a non-contact IC card to switch between passive or active type easily by the user and to conserve battery power.

Referring to Claim 11, Miyamoto in view of Tuttle et al. disclose a device according to Claim 10, Miyamoto discloses wherein said antenna (16) consists of a single antenna (16a) (page 12 lines 2 to 8; see Figures 1-2).

Referring to Claim 12, Miyamoto in view of Tuttle et al. disclose a device according to Claim 10, Miyamoto discloses wherein said both power (i.e. an electromagnetic wave) and data (data in data line 17) enter said device through said antenna (16) (page 12 line 2 to 18; see Figures 1-2).

Referring to Claim 13, Miyamoto in view of Tuttle et al. disclose a device according to Claim 10, Tuttle et al. disclose wherein the connection means comprise:

In the module (11) (i.e. an integrated circuit), conductors (i.e. data lines from processing circuits to the nodes 8 and 9) for connecting the output terminals (not shown) of the rectifying and filtering means (13 and 14) to first contact terminals (nodes 8 and 9) (column 6 lines 11 to 27; see Figure 1A),

In the support means (1) (an enclosed transceiver), conductors (i.e. output power lines) for connecting external electrical power source (2 and 3) to second contact terminals (also at nodes 8 and 9) (column 6 lines 11 to 27; see Figure 1A), and

means for connecting and holding together said first and second contact terminals (nodes 8 and 9) (column 6 lines 11 to 50; see Figure 1A).

Referring to Claim 19, Miyamoto in view of Tuttle et al. disclose a device according to Claim 11, Tuttle et al. disclose wherein the external electrical supply source (2) is a removable battery (column 10 line 62 to column 11 line 7).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto (GB 2 292 866) in view of Tuttle et al. (US# 5,448,110) as applied to claim 13 above, and in further view of Cook (US# 5,642,095).

Referring to claim 14, Miyamoto and in view of Tuttle et al. disclose a device according to claim 13, however, Miyamoto and in view of Tuttle et al. did not explicitly disclose wherein

Art Unit: 2635

said module carried by a bankcard wherein the support means of the external electrical power source comprise a card holder.

In the same field of endeavor of data carrier system, Cook teaches that a module carried by a bankcard (i.e. a credit card) wherein the support means (39) (i.e. a holder) of the external electrical power source (34) (i.e. a battery) comprise a card holder (39) (i.e. a credit card holder) in order to activated when the card is insert or removed from the holder.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize to use a data carrier disposed in a credit card holder of Cook in transponders attach to a commercial objects to be identified of Miyamoto and in view of Tuttle et al. because having a data carrier disposed in a credit card holder would improve the reliable and convenience to use that has been shown to be desirable in a non-contact IC card of Miyamoto and in view of Tuttle et al.

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto (GB 2 292 866) in view of Tuttle et al. (US# 5,448,110) as applied to claim 13 above, and in further view of Wallerstorfer (US# 5,473,145).

Referring to claims 15-16, Miyamoto and in view of Tuttle et al. disclose a device according to claim 13, however, Miyamoto and in view of Tuttle et al. did not explicitly disclose wherein said module is disposed in a case, and the means for supporting the electrical power source comprises a watch having an electrical power source.

In the same field of endeavor of data carrier, Wallerstorfer et al. teach that module (25 and 26) (i.e. a digital and analogue element of a data carrier) is disposed in a case (3) (i.e. a disk), and the means (33) (i.e. a watch) for supporting the electrical power source (6) (i.e. a battery) comprises a watch having an electrical power source (column 3 line 29 to 52; column 4 lines 60 to 66; see Figures 2 and 11) in order to provide the data carrier the required amount of energy to occasional data transmission.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to have a data carrier disposed in a watch having a battery of Wallerstorfer et al. in transponders attach to an objects to be identified of Miyamoto and in view of Tuttle et al. because having a data carrier disposed in a watch would improve the reliable and convenience to use that has been shown to be desirable in a non-contact IC card of Miyamoto and in view of Tuttle et al.

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto (GB 2 292 866) in view of Tuttle et al. (US# 5,448,110) as applied to claim 13 above, and in further view of Thompson (US# 5,565,401).

Referring to claims 17-18, Miyamoto and in view of Tuttle et al. disclose a device according to claim 3, however, Miyamoto and in view of Tuttle et al. did not explicitly disclose wherein said module is disposed in a case, and the support means of the external electrical power source comprise a mobile telephone apparatus.

In the same field of endeavor of data carrier, Thompson teaches that module (100) (i.e. an application module) is disposed in a case (column 14 lines 45 to 62; column 15 lines 14 to 32; see Figures 2 and 10), and the support means (50) (i.e. a communication device) of the external electrical power source (66) (i.e. power supply) (column 8 lines 15 to 37; column 9 lines 31 to 48; see Figures 5 and 7) comprise a mobile telephone apparatus 50) (i.e. a communication device) in order to allow addition of various communication and information options to communication device.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to have an application module disposed in a communication device having a power supply of Thompson in transponders attach to an objects to be identified of Miyamoto and in view of Tuttle et al. because having an application module disposed in a communication device would improve the functionality of communication capabilities of a communication device that has been shown to be desirable in a non-contact IC card of Miyamoto and in view of Tuttle et al.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2635

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nam Nguyen
September 9, 2004



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